

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: DOUG TENLY

(Case No. 11195)

A hearing was held after due notice on April 15, 2013. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for variances from the side yard and rear yard setback requirements.

Findings of Fact

The Board found that the Applicant was seeking a variance of 5 feet from the 10 foot side yard setback requirement for a dwelling and porch, a variance of 5 feet from the 20 foot rear yard setback requirement for a porch, and a variance of 8 feet from the 10 foot side yard setback requirement for air conditioning units. The Applicant has requested that the aforementioned requested variances be granted as they pertain to certain real property located south of Route 54 (Lighthouse Road) west of Cleveland Avenue, being Lot 32 within Cape Windsor development; said property being identified as Sussex County Tax Map Parcel Number 5-33-20.18-109.00. After a hearing, the Board made the following findings of fact:

1. Doug Tenly was sworn in to testify about the Application.
2. The Board found that the Office of Planning & Zoning received no letters regarding to the Application.
3. The Board found that Mr. Tenly testified that the proposed dwelling is a Beracah Home and will measure 30 feet by 68 feet.
4. The Board found that Mr. Tenly testified that the lot is 50 feet wide.
5. The Board found that Mr. Tenly testified that ninety percent (90%) of the homes in the development have a 5 feet side yard setback.
6. The Board found that Mr. Tenly testified that there is no parking permitted on the street in the development.
7. The Board found that Mr. Tenly testified that the north side of the Property would be used for parking, which is consistent with the neighborhood.
8. The Board found that Mr. Tenly testified that the proposed dwelling would have no detrimental effect to the neighborhood.
9. The Board found that Mr. Tenly testified that the rear yard is adjacent to the existing lagoon.
10. The Board found that Mr. Tenly testified that the only place to place the air conditioning units for the dwelling is on the south side of the Property.
11. The Board found that Mr. Tenly testified that eighty percent (80%) of the dwellings in the development have the air conditioning units on the south side of the lots.
12. The Board found that Mr. Tenly testified that the lot is currently vacant.
13. The Board found that Mr. Tenly testified that the Homeowner's Association has approved the proposed plan
14. The Board found that one (1) party appeared in support of the Application.
15. The Board found that no parties appeared in opposition to the Application.
16. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Application met the standards for granting a variance. The proposed dwelling footprint is similar to the previous dwelling. The Property is unique in size. The variances are


necessary to enable reasonable use of the Property. The difficulty was not created by the Applicants. The variances will not alter the essential character of the neighborhood. The variances sought are the minimum variances necessary to afford relief.

The Board approved the variance application finding that it met the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the Application was approved. The Board Members voting to approve the Application were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. No Member voted against the Motion to Approve the Application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY


Dale Callaway
Chairman

If the use is not established within one (1)
year from the date below the application
becomes void.

Date May 21, 2013